

**OPINION**  
**43-48**

September 17, 1943(OPINION)

DRUGS

RE: Dangerous

We have your letter of September seventeenth, in which you enclose as advertisement from a daily paper in this state, advertising a "Sulfa Drug Compound" purporting to have in it the drug sulfanilamide offered for sale by mail from the Sulfa Products Company, 11225 Grand, Kansas City, Missouri. You also enclose communications from the chief of the Minneapolis station, of the United States Food and Drug Administration in Minneapolis, and a quotation from the regulations under the Section 502 (j) of the Federal Food, Drug and Cosmetic Act of 1938.

According to your letter and other information that we have, we have no doubt that sulfanilamide as well as its various compounds and derivatives come within the classification of a dangerous drug. In other words, we are satisfied that its use, both internally and externally, should be only by or on the prescription or under the direction of a duly qualified physician and we believe that its indiscriminate use may be dangerous.

Section 9989, Compiled Laws of 1913, prohibits and makes a misdemeanor any untrue, deceptive, or misleading advertising relating to drugs, medicines and other products. Anyone who publishes or causes to be published or circulated any notice, or advertisement which is untrue, deceptive, or misleading is guilty of a misdemeanor. Any corporation or association who aids anyone else to violate this section is also made guilty of a misdemeanor by Section 9991, Compiled Laws of 1913.

An examination of the advertisement that you submit convinces us that the advertisement is deceptive and misleading and probably untrue. Particularly in that the advertisement states that the sulfa drug compound, as advertised, is completely safe to use. It is listed in such a manner as to make the readers believe that it is a cure for at least nine diseases listed in the advertisement. It is listed as effective for babies. Nothing is said in the advertisement as to what particular ailment the baby is supposed to have for which this compound is effective, but it is listed generally as effective for use on babies. The effect of this advertisement is to advise the public that this sulfa drug compound, containing sulfanilamide, is absolutely safe for any ailment for external application and we do not believe this to be as we understand the attitude of the medical and pharmaceutical professions regarding this drug.

Accordingly, we are of the opinion that the advertisement in the form which you submitted to us would be a violation of the section of the law above cited and that publications of the advertisement would be a violation of the law. We suggest that you advise the

newspapers in the state and other advertising media of our opinion in order that they may govern themselves accordingly.

ALVIN C. STRUTZ  
Attorney General